

Human Rights in Education

Perspectives and Imperatives

Papers presented on the occasion of Human Rights Day
Celebration at NIEPA
(10th December 2001)



Educational Policy Unit
National Institute of Educational
Planning and Administration
17-B, Sri Aurobindo Marg, New Delhi-110016

Prepared for publication by Professor K. Sudha Rao
National Institute of Educational Planning and Administration
17-B, Sri Aurobindo Marg, New Delhi - 110016
e-mail: ksudharao@niepa.org

First Published: June 2003 (5h)
© National Institute of Educational Planning and Administration, 2003

Designed by Publication Unit, NIEPA, New Delhi

Copies available from:

Deputy Publication Officer
National Institute of Educational Planning and Administration
17-B, Sri Aurobindo Marg
New Delhi – 110016
Fax: 91-01-26853041, 26865180
e-mail: publications@niepa.org

Printed by: Anil Offset and Packaging Pvt. Ltd., New Delhi.

Preface

There is a growing realization about the key position education occupies for the betterment of individuals and institutions. It is universally accepted that education is the best source of social mobility, equality and empowerment, both at the individual and collective levels. Realizing this, the Constitution of India and our educational policies emphasize on providing education to all, keeping in mind the major goals of quality, relevance and excellence. However, while attempting to provide the right to education we need to realize that at its core lies human rights education, which includes teaching people about rights. This calls for a critical assessment of realities in the context of right to education and understanding of the educational mechanisms and potential forces that act on the process of imparting human rights education.

An attempt was made at NIEPA to discuss the above issues in relation to areas of higher education and school education on 'International Human Rights Day'. To ensure that the benefits of these deliberations reach all, NIEPA decided to bring out this publication.

I congratulate Dr. Sudha Rao and Education Policy Unit faculty and the staff, along with the other Units that contributed in this publication.

(B P Khandelwal)

Acknowledgements

Human Rights and especially, Human Rights Education have begun to gather tremendous momentum in the new world order panacea of globalization, trade and economic liberalization and privatization. In this scenario, human rights education has much to offer, both for the promotion and progressive realization of human rights and for the protection and prevention of human rights abuses in the process of development.

Keeping this in mind, NIEPA decided to celebrate 'Human Rights Day' by deliberating on issues regarding human rights and human rights education at the higher education and school education levels. It was felt that the deliberations should be made available to community at large, hence, this publication.

We would like to place on record our appreciation of Justice J S Verma, Chairperson, National Human Rights Commission, Prof A K Sharma, former Director, NCERT, and Prof V S Mani, JNU, who gave us permission to publish their speeches on the occasion.

Our profuse thanks are due to Prof B P Khandelwal, Director NIEPA for his valuable guidance and support. We also thank Ms Arti Chatrapati for her help in completing this work.

A publication of this nature would not have been possible without the assistance and cooperation of a host of units, branches, and staff of NIEPA. We offer this combined acknowledgement and appreciation of their work and contribution, though we sincerely would have liked to acclaim their contribution individually. Our deep felt thanks are due to each one of them.

(K Sudha Rao)

Contents

<i>Preface</i>	<i>iii</i>
<i>Acknowledgement</i>	<i>v</i>
Human Rights Education: Genesis and Policy Initiatives <i>K Sudha Rao & Mithilesh Singh</i>	1
Human Rights Education: Its Significance and Related Issues <i>J S Verma</i>	23
Human Rights in Higher Education in India <i>V S Mani</i>	28
Human Rights in School Education <i>A K Sharma</i>	36

HUMAN RIGHTS IN EDUCATION

Genesis and Policy Initiatives

*K Sudha Rao**
*Mithilesh Singh***

Introduction

'Human Rights' is a global concern today. The issues and themes, the perspective and points of views, have always been talked, discussed, deliberated and planned. It is a tragic truth that fifty years of our independence have not created an atmosphere for a life of human dignity and well being though the acceptance of human dignity and a guarantee of human rights are the minimum essence of democracy which India boasts of.

To trace the genesis of the human rights education, we can refer to the philosophers, social and political thinkers through the ages in different countries of the world. Particularly, the concept of "*Vasudhaiva Kutumbakam*" and "*Nara Narayana*" contain the spirit of human rights in Indian civilization. Both in oriental and occidental literature we find the concepts of equality, fraternity, peace and harmony. Especially *Rousseau*, *Ruskin*, *Plato* and *Socrates* in the West and *Manu*, *Vyasdeva*, *Narada Muni* and others in India have enunciated with principles of human rights in one form or another. But always duties overweighed rights in the ancient days. However, the latter got prominence first in the Magna Carta in Britain in 1215 AD, Petition of Rights in 1628 AD, Habeas Corpus Act 1628 AD, Bill of Rights in 1689 AD, American Declaration of Independence in 1676 AD and Declaration of Rights of Men in France during 1789 AD and subsequently and more recently, in the Declaration of Universal Human Rights by UN in 1948.

* Senior Fellow & Head, Educational Policy Unit, National Institute of Educational Planning and Administration (NIEPA), 17B, Sri Aurobindo Marg, New Delhi-110016.

** Project Assistant, Educational Policy Unit, National Institute of Educational Planning and Administration (NIEPA), 17-B, Sri Aurobindo Marg, New Delhi-110016.

2 *Human Rights in Education*

The Second World War seriously brought about not only the awareness, but also a kind of sensation in the human destiny and the agonies inflicted on the mankind by Nazism and Fascism. The atmosphere of insecurity, oppression, discrimination and unjust socio-economic conditions of man prevailed both at the national and international levels. As a result, mankind was very much in quest of peace, harmony and security in the human life through universal commitments. The Charter of United Nations Human Rights was thus accepted in 1948 for ensuring social justice and human rights, which were considered as basic requirements for a stable international order and lasting peace. Therefore, in the Preamble to the Charter, the document insisted "... to re-affirm faith in the fundamental human rights in the dignity and worth of human person . . ." Later this reference to human rights was taken as the basis for elaboration and the General Assembly of UN adopted the Universal Declaration of Human Rights on the 10th December 1948. This Declaration marks the first cornerstone of an International Movement of Human Rights.

A few of the objectives of the Declaration laid down in the Preamble are:

- (a) Recognition of the inherent dignity of all human beings;
- (b) Promotion of equality, freedom, justice and peace;
- (c) Freedom from fear, tyranny, oppression;
- (d) Promotion of social progress and better standard of life;
- (e) Saving of the succeeding generations from the scourge of the war;
- (f) Providing common standard of achievement for all peoples and all nations; and
- (g) Development of friendly relations between nations.

Above all, the Preamble of the Charter spoke in the name of "the peoples of United Nations".

Important Excerpts Relating to Education in the UDHR are:

- 26(1) Everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- 26(2) Education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding tolerance and friendship among all nations, racial or religious groups and shall further the activities of United Nations for the maintenance of peace.

A little later, specific aspects for children's rights to education, health, protection, living and development were proclaimed on November 20, 1959 as "The Declaration of the Rights of the Child". The main purpose of the Human Rights was defined as: "Every individual has the right to use his intellect, skill and inspiration in order to fulfill his physical, mental, social, economic and spiritual needs – in a word, to enable himself to lead a life of human dignity"

Convention on the Elimination of All Forms of Discrimination Against Women

The UDHR was followed by the convention to eliminate discrimination against women. This Convention was adopted by the General Assembly of the United Nations on 12 December 1965 and it came into force on 4 January 1969. Reproduced below are excerpts from this Convention relevant to education, especially higher education:

- Part I** 1. For the purposes of the present Convention, the term 'discrimination against women' shall mean any

4 *Human Rights in Education*

distinction, inclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil 'or any other' field.

2. a) State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this undertake:
 - b) To adopt appropriate legislative and other measures including sanctions, where appropriate, prohibiting all discrimination against women;
 - c) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; and
 - d) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against women.

Part 3

10. State Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on the basis of equality of men and women:
 - a) the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in

urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

- b) access to the same curricula, the same examination, teaching staff with qualification of the same standard and school premises and equipment of the same quality;
- c) the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- d) the same opportunities to benefit from scholarships and other study grants;
- e) the same opportunities for access to programmes of continuing education, including adult functioning literacy programmes particularly those aimed at reducing, at the earliest possible time, any gap of education existing between men and women;
- f) the reduction of female student dropout rates and the organization of programmes for girls and women who have left school prematurely;
- g) the same opportunity to participate actively in sports and physical education; and
- h) access to specific educational information to help to ensure the health and well-being of families.....

- 11.1 State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on the basis of equality of men and women, such as right to work, right to the same employment opportunities, in particular, the right to free

choice of profession and employment, right to equal remuneration and right to social security, right to protection of health and to safety in working conditions.

- 14.2 State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on the basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to women rights such as to obtain all types of training and education, formal and non formal, including that relating to functional literacy as well as, inter-alia, the benefit of all community and extension services, in order to increase their technical proficiency.

In Teheran, an International Congress of Human Rights was organized in 1968. The UN convened an International Congress on the Teaching of Human Rights, at Vienna in 1988. But the UN World Conference of Human Rights in Vienna in 1993 drafted a Declaration ultimately inspiring the UN Decade for Human Rights Education 1995-2004. Out of the 100 clauses in the Programme of Action (POA) of Vienna Declaration, four are related directly to Education and Training, which are as follows:

Article 78: The World Conference of Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities for mutual understanding, tolerance and peace.

- 79: States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

- 80: Human Rights Education should include Peace, Democracy, Development and Social Justice, as set forth in the international regional human rights instruments in order to achieve common understanding and awareness with a view to strengthening universal commitments to human rights.
- 81: Taking into account the World Plan of Action for human rights and democracy, adopted in 1993 by the International Congress on Education for Human Rights and Democracy of the UNESCO and other human rights instruments, the World Conference on Human Rights recommends that states develop specific programmes and strategies for ensuring the widest human rights education and dissemination of public information, taking particular account of the human rights needs of women.

Major theme of the World NGO Conference of Decade of Human Rights Education introduced culture specificity to the educational process. This was felt to be an uphill task because teaching human rights as a culture issue was recognized by academic as a weakly defined area.

The conservation and preservation of basic human rights should be left to the individuals and groups who have to prioritise their own human rights agenda. Prioritisation needs educational base for the efficient performance, because knowledge and information are the two vital inputs for concerted action in this area of information technology. A culture-oriented education is necessary to teach human rights as a vital element in the new human rights agenda.

It was the largest ever gathering of this kind. It went much ahead by recommending that 'States should strive to eradicate illiteracy and should direct education towards the full development

of the human personality, to the strengthening of respect of human rights and fundamental freedom. The World Conference on Human Rights calls on all states and institutions to include Human Rights, Humanitarian Law, Democracy and Rule of Law as subject in the curricula of all learning institutions in formal and non-formal setups. Human Rights Education should include peace, democracy, development and social justice:

International Convention on the Elimination of All Forms of Racial Discrimination was implemented in 1969. This Convention obliges the state parties to seek to eliminate racial discrimination and promote understanding among the races and ensure protection and remedies against acts of racial discrimination, which violate human rights; and adopt measures especially in the fields of education, culture and nation with a view to combating prejudices.

International Covenants on Economic, Social and Cultural Rights was adopted in 1966 but implemented in 1976. Rights included along with others the right to education (with the progressive introduction of free education).

Convention on the Rights of the Child, passed earlier, came into force in 1990. The state parties are to undertake to protect the child from all kinds of discrimination and to provide appropriate care. Right to education with states making primary education compulsory and free was ensured by the Convention.

Indian Context

Human Rights Education is ingrained in the Indian civilisation, which adumbrated the concept of *Vasudhaiva Kutumbakam*. The whole world is considered as a family, i.e., family has always been a most cherished and abiding institution in all parts of the world. With the affection and benign guidance of the parents in each family, the young ones are reared and supported during growing up as ideal human beings. In spite of the onslaught of conflicts,

both internal and external, the family remains a well-knit unit of mankind to ensure and promote happy and harmonious life.

The Constituent Assembly entrusted with the responsibilities of drafting the Constitution of India was engaged in the stupendous task of developing the basic and vital document at a time when the UN adopted the Universal Declaration of Human Rights in 1948. The Constituent Assembly took note of the Declaration and incorporated many of human rights as Citizens' Fundamental Rights in the Constitution. Right to Equality before Law (Art. 14), Right to Freedom from Discrimination (Art. 18), Right to Freedom of Speech and Expression (Art. 19), Right to Assemble Peacefully (Art. 21) and Prohibition of Employment of Children in Hazardous Occupation (Art. 24), can be mentioned as relevant to the issue.

The Chapter of Fundamental Rights encompasses the entire gamut of civil and political rights, including the Right to Judicial Interference. Our Constitution fathers did not stop with the fundamental rights only. They included a chapter on Directive Principles of State Policy, requiring the state to promote and protect the rights of the most vulnerable sections of our society. The Directive Principles are meant to give a direction to the policy and actions of the Government so as to progressively realise the objectives of improving the standard of living and quality of life for all its citizens. These chapters, taken together, substantially contain the essence of human rights and the mode of their realisation as stated in the Declaration of Human Rights.

In a sense, with the Constitutional provisions, the Centre and State Governments have enacted many laws and regulations to preserve and safeguard the basic human rights. For example, Code of Criminal Procedure, Indian Penal Code and the Evidence Act, are meant for ensuring human rights of the Indian citizens. Besides, Government has also set up various national institutes for the promotion and protection of the interest of the most vulnerable sections of the society. These are the National

Commission for Scheduled Castes and Scheduled Tribes, National Commission for Women, and the Minorities Commission. These Commissions have been reviewing the socio-economic conditions of these groups and related government policies, legislations to ensure that their status in the society can be progressively strengthened through development programmes and by strengthening these national institutes. The National Police Commission and the Law Commission have also made many contributions to the law and order system of the country for protection of the rights and freedom of all citizens.

The Government of India has been continuously reviewing the statutes regarding the rights of the individual. For example, in order to curb the offences against the members of the Scheduled Castes and Scheduled Tribes, SC and ST (Prevention) of Atrocities Act, 1989 was enacted and therein it is mentioned that if public servant willfully neglects his duties under the Act, he will be liable for protection and imprisonment. Similarly, provisions have been made under the IPC, defining the offence of rape in custody and against the accused. Similarly, there are the Civil Rights Act, 1976, and the Dowry Prohibition (Amendment) Act, 1986.

Human rights have been treated not merely as legal entitlements or claims of the people on the state in the Indian Constitution but they are intended to bring about structural changes in the graded society of India. Thus rights are tempered with qualifying provisions of distributive justice and special instructions to state to carve out its socio-economic policies in such a manner as to promote the welfare of those segments of the society which have hitherto been subjected to inequality and exploitation in a hierarchical and feudal social order of India. Freedom with welfare seems to be the essence of human rights provisions in the Indian Constitution. Yet despite the permeation of the entire Constitution of the aim of national renaissance, the core of the commitment to the social revolution lies in Parts III and IV in the Fundamental Rights and in the Directive Principles of State Policy (DPS). These are the conscience of the Constitution.

The basic ethos of the Indian Constitution seems to be actualizing social justice. Reproduced below are parts of Fundamental Rights and Directive Principles of State Policy, which have an impact on the higher education system in India.

Fundamental Rights

Part III: Right to Equality

- The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth.....Art. 15(1).
- Nothing in this article shall prevent the State from making any special provision for women and children. Art.15(3).
- Nothing in this article shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Art.15(4).
- There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Art.16(1).
- No citizens shall on grounds of only of religion, race, caste, sex, descent, place of birth, residence or any of them be ineligible for, or discriminated against in respect of any employment or office under the State. Art.16(2).
- Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the State is not adequately represented in the services under the State. Art 16(4).
- No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them. Cultural and Educational Rights [Art 29(2)]. Protection of Interest of Minorities (Art. 29).

- All minorities whether based on religion or language shall have the right to establish and administer educational institutions of their choice. Art. 30(1).

Directive Principles of State Policy

The provisions contained in this part shall not be enforceable by any court but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. Art. 37

The State in particular, directs its policy towards securing:

- a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- b) that there is equal pay for equal work for both men and women. (Art. 39).

Part IV

The State shall within the limits of its economic capacity and development make effective provision for securing the right to work, to education, to public assistance in case of unemployment..... and disablement. (Art. 41).

The State shall make provision for securing just and humane conditions of work and for maternity relief. (Art 42).

The State shall endeavour to provide within the period of ten years from the commencement of this Constitution for free and compulsory education for all children until they complete the age of fourteen years. (Art 45).

The State shall promote with special care the educational and economic interests of the weaker sections of the people and in particular of the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice in all forms of exploitation. (Art 46).

Part XVI

Special Provisions Relating to Certain Classes

The claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of a dministration in the making of appointments to services and posts connected with the affairs of the Union or of the State. Art (335).

Fundamental Duties

51-A Fundamental duties – It shall be the duty of every citizen of India:

- to value and preserve the rich heritage of our composite culture;
- to develop the scientific temper, humanism and the spirit of inquiry and reform;
- to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

Indian Laws Relating to Human Rights

The following is a list of some of the national statutes, which have a bearing on the promotion/protection of human rights, especially in the field of education:

Protection of Human Rights Act, 1993

“The Act provides for the constitution of a National Human Rights Commission and State Human Rights Commissions, and Human Rights Courts for better protection of human rights”. The function performed at the state level by the SHRC is same as that of NHRC. Presently, only 13 states have their own Commissions.

Their function includes to undertake and promote research in the field of human rights and spread human right literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, media, seminars, workshops and other available means.

In terms of Section 2 of the Act, “Human Rights” means that the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.

National Commission for Minorities Act, 1992

“An Act to constitute a National Commission for Minorities for better protection of the rights of the minorities”.

National Commission for Scheduled Castes and Scheduled Tribes

“Article 338 of the Constitution requires constitution of the National Commission for Scheduled Castes and Scheduled Tribes for better protection of the rights of the members of the Scheduled Castes and Scheduled Tribes”.

National Commission for Women Act, 1990

“An Act to constitute a National Commission for Women for better protection of the rights of women”.

Maternity Benefit Act, 1961

“This is an Act to provide maternity benefits, etc., and to regulate employment of women in certain establishments for certain periods before and after childbirth”.

Human Rights and Education

Drawing from the Indian Constitution, human rights perspective has dominated the formulation of Educational Policy. All the Commissions and Committees on Education and the policy documents emphasize on human development and social justice.

Human Rights perspective is evidenced in the recommendations of three major Commissions, which were set up after independence to suggest reforms in the education system at different levels. Starting with the University Education Commission (Radhakrishnan Commission Report 1949), Secondary Education Commission (Mudaliar Commission 1952), a more comprehensive report covering all the levels and types of education was prepared by Education Commission (1964 -66) under the chairmanship of Dr D S Kothari. The report has a separate chapter on Organisation of Educational Opportunities (12). Based on the recommendations of the Commission, first National Policy Resolution was passed by the Parliament in 1968. Some of the major recommendations of the Policy relevant to Human Rights Perspective are:

- The Radhakrishnan Commission Report recommended a large number of scholarships, to make it possible for boys and girls with limited resources to pursue higher education.
- In the first-degree stage, every university should do its utmost to offer as wide a variety of courses as possible in the near vicinity of homes.
- Admissions should not be denied to people, who have been hitherto excluded by their social position or residence. The social cleavage between the rich and poor should not be emphasized.
- It was also recommended that no discrimination should be made because of race, religion, regionalism, language and politics in hostels.

- In colleges where a considerable proportion of the students are poor or are living on slender resources, the noon meal would be furnished to students who are non-resident.
- Students should be admitted to hostels strictly on a basis of priority or other desirable impersonal grounds. No discrimination should be made in race, religion, regionalism, language and politics.

The Report of Education Commission (1964-66), which is more emphatic with respect to equality and social justice, states one of the function of the universities as “to strive to promote equality and social justice and to reduce social and cultural differences through diffusion of education. It shows that education has always seen a means of social transformation.”

It identifies two forms of educational inequalities, which are peculiar to the Indian situation. The first is a wide disparity between the education of boys and girls at all stages and in all sectors of education. The second is the equally wide or sometimes under disparity of educational development between the advanced classes and backward ones, the scheduled castes and scheduled tribes. On the ground of social justice as well as for the furtherance of democracy, it is essential to make special efforts to equalize educational opportunities between different classes. The Commission considered tuition fee as one of the factors, which tends to create significant form of inequality. The Kothari Commission stated that since higher education is mostly being availed by the top five per cent of the population, a policy of living fee combined with that of liberal provision of free studentships to the entire needy and deserving students would prove to be better than that of general abolition of fees. It, therefore, recommends that for the next ten years, the main effort with regard to fees in higher secondary and university education should be to expand the provision of tuition-free education to cover all the needy and deserving students. It also commends the general acceptance of policies which have been adopted in some areas to provide

tuition-free higher education to under privileged groups, eg to scheduled castes, scheduled tribes, girls or children of persons whose income is below the prescribed level.

The Commission also recommended a programme of book banks in secondary schools and in institutions of higher education. The UGC should have a fund at their disposal from which they could encourage the establishment of book banks. The programme should be developed on so large a scale that every needy student in the secondary stage or institution of higher education will be provided with a set of all the textbooks needed at the beginning of the school year or have easy access to them in the library.

In the Commission's opinion, the programme of scholarships in the higher education is extremely important. The Commission suggested two kinds of scholarships:

- a) For those who have to stay in hostels; these should cover all the direct and indirect costs of education (i.e. tuition fees, books, supplies, etc.) and living costs; and for those who can stay at home, these should mainly cover direct and indirect costs.
- b) To increase access of girl students to higher education, the Commission suggested that scholarships and other forms of student aid, preferential consideration should be given to the needs of girls.

It was felt by the Commission that the existing facilities for the handicapped are extremely inadequate. In certain cases the foundation has been laid while in others we have to begin at the beginning. The importance of a carefully thought out plan for the development of educational services for the handicapped cannot therefore be over emphasized.

NPE-1986 and POA-1992

The National Policy on Education, 1986, and Programme of Action 1992, also lay emphasis on the removal of disparities and equalization of educational opportunity, while the emphasis in others is on certain aspects of the content and process that have a bearing on education in Human Rights.

The National Policy embodies the concept of a National System of Education which implies:

- All students to have access to education of a comparable quality;
- Envisage a common educational structure;
- To adopt national curricular framework which contains a common core along with other components that are flexible;
- To lay emphasis on the removal of disparities and to equalize educational opportunity by attending to the specific needs of those who have been denied equality so far;
- Education to be used as an agent of basic change in the status of women;
- Focus on the education of SC/ST, other educationally backward sections and areas and minorities;
- Efforts to integrate the physically and mentally handicapped with the general community as equal partners through different measures;
- Implications of values – To lay emphasis on value education, including culture of commitment, integrity, teamwork, ethics, social awareness and responsibilities, responsiveness to environmental and social issues; and
- Readjustments in the curriculum in order to make education a forceful tool for the cultivation of social and moral values.

Government Initiative

MHRD has taken a number of initiatives to improve and protect Human Rights in Education and inculcate Human Rights Education in various sectors of education:

- The Education Guarantee Scheme and alternative and innovative education to provide access to schools habitation;
- Through specific intervention of girl and disadvantaged child, a significant improvement has taken place in enrolment and orientation (Lok Jumbish) (LJ);
- The Sarva Siksha Abhiyan (SSA), the flagship programme for Universalization of Elementary Education;
- SC/ST children have been the focus of special intervention of the development under SSA and incentives schemes to benefit these children; and
- To encourage participation of SC/ST parents to ensure ownership of educational programmes by the most disadvantaged sections.

In pursuance of the UN General Assembly Resolution of December 23, 1994, declaring the period 1995-2004 as the UN Decade for Human Rights Education and the Programme of Action finalized in October 1995, “**Action Plan – Human Rights Education**”^{*} was approved which includes the following items in respect of education:

- Generating awareness and reach through media advocacy to the deprived and special target groups of children that a right to Basic Minimum Education is their human right.
- Introduction of Human Rights issues in the school curricula – at primary as well as at secondary levels and

^{*} Annual Report 2001-2002, Ministry of Human Resource Development, Government of India, p.38.

preparation of appropriate course material for this purpose in a way to make it part of the students all-round development.

- Devising a plan of action for training the teachers of human rights/values in collaboration with State Education Departments/SCERTs/NCTE.
- Introducing courses of Human Rights at the Undergraduate and Post-graduate levels, including either a compulsory/special paper at Undergraduate level.
- Introduction of short-term/long-term courses on Human Rights through the distance education programmes. IGNOU and other premier universities should be encouraged by UGC to take up these courses by liberally funding these courses.
- There is a dearth of books as well as research material on human rights. Universities should therefore, encourage research on Human Rights by liberally instituting scholarships and internships on issues pertaining to Human Rights.
- To bridge the gap in the availability of research material on human rights, a National Resource Centre for documentation, training, research and education in Human Rights is to be set up in one of the premier universities/research organizations under the Ministry of HRD. IGNOU has been identified for this purpose.
- *Gyan Darshan* and *Gyan Vani*, the dedicated video/audio channels for education under Prasar Bharati, AIR, could be put to effective use for spreading Human Rights education.
- Colleges and universities should be encouraged to hold seminars/workshops/debates on issues of Human Rights. Associations and unions in the colleges/universities could be given financial assistance for such activities. Project based learning should be encouraged. Assignments and field activities, like data collection, event organization,

camp activities, social service events during distress situation, etc, may be integrated into course designing and performance evaluation.

- Bring out a booklet containing the basic instruments of Human Rights for public distribution.
- As the subject of Human Rights is a matter of changing attitude, the audio-visual medium of imparting education has better impact than the classroom type of learning. Accordingly, more stress need to be on preparation of course material in multimedia forms – like, videos, CDs and films – for mass propagation and mass education.
- Dissemination of information on Human Rights should also be carried out through websites.

Most of the above action points are at various stages of implementation and are being monitored on a regular basis.

UGC Initiatives

In the field of higher education, several initiatives have been taken by the University Grants Commission to protect and promote human rights in Educational Institutions and also to inculcate and cultivate human values within the students. Initiatives by UGC are as under:

1. Setting up of SC/ST cells in universities to monitor the effective implementation of various reservations, orders, programmes for SC/ST communities and to deal with representations received from SC/ST communities studying or working in universities and colleges.
2. Sexual Harassment of Women in Work Place Cell – To look into the grievance of women employees at work place.
3. Programmes for women and assisting women studies.
4. Providing financial assistance to universities and colleges for the introduction of Human Rights and Duties

Education courses (two-year LLM/MA course, one-year Diploma course and thereto four months certificate courses. It also provides assistance for organizing seminars, symposia, and workshops on Human Rights and Duties Education.

5. UGC has identified 15 universities for introduction of such courses and 23 colleges for organizing seminars, workshops, and symposia. Constitution of College Development Councils (CDCs) for developing a model curricular for courses in Human Rights and Duties Education is in progress.
6. Establishment of Department of Human Consciousness and Yogic Science in universities to develop positive values among the students.
7. Promotion of Yoga Education and Practice in universities to keep the mind and body fit and fresh in order to think positively.

Today's world has to gain a lot from Human Rights Education, both for the promotion and progressive realization of protection and preserving of Human Rights. Keeping all this in view, NIEPA, as one of the apex autonomous Institution, in order to contribute in this direction organized a **Special Lecture on Human Rights Education** on the eve of **International Human Rights Day**.

Former Chief Justice of the Supreme Court of India, Honourable Justice J S Verma, and Chairperson, National Human Rights Commission agreed to be the Chief Guest. Prof V S Mani, Director, HRRTP & HRDIC, School of International Studies, Jawaharlal Nehru University, delivered his lecture on Human Rights in Higher Education, and Prof A K Sharma, Former Director, NCERT, spoke on Human Rights in School Education. Their lectures have been brought out in this publication.

HUMAN RIGHTS EDUCATION IT'S SIGNIFICANCE AND RELATED ISSUES

*Honourable Justice J S Verma**

Prof B P Khandelwal, Director, NIEPA; Professor A K Sharma, Former Director, NCERT; Prof V S Mani, JNU; Prof M Mukhopadhyay, Joint Director, NIEPA; Prof K Sudha Rao, Sr Fellow & Head, Educational Policy Unit, NIEPA; and all distinguished Professors, Ladies and Gentlemen.

I have the advantage of following these two learned presentations who have covered the entire field and therefore what I propose to do is to share with you some of my general thoughts on the subject. It is ultimately the common man who has to understand in common man's language with regard to what Human Rights actually means and how it can be achieved? Today is being observed as International Human Rights Day because it was on this day during 1948 the Universal Declaration on Human Rights was signed, in recognition of the significance of Human Rights in the new world order after the second world war. I personally and strongly believe, and hope you also do, that these occasions are meant for renewal of our pledge and commitment to the cause and are not meant to be celebrated as mere rituals for the sake of only completing formalities. In general, this year the Human Rights Day attains greater significance because of the kind of incidents we are witnessing due to which awareness in public is getting increased. For example - What happened on 11th September 2001, in America? It was most obnoxious but it has thrown a big question as to how educated we really are in the field of Human Rights. I have been disturbed during the last few days to hear some people in responsible positions referring to and believing that Human Rights as being something to be advocated.

* Chairperson, National Human Rights Commission (Special Lecture on Human Rights Day - 10.12.2001, Transcribed from an extempore speech).

Freedom of speech and expression is not merely guaranteed in the Fundamental Rights under Article 19 (1) (a). It is the basic Human Rights accepted all over the world. After all what are those basic Human Rights which are contained in the Universal Declaration on Human Rights under Articles 22 -28. They are the Fundamental Rights as given in Part 3 of the Indian Constitution. Articles 22 to 28 in the Universal Declaration correspond to the Directive Principles of the Constitution. Though it does not have the designation and status as yet, but a draft has been submitted in 1997 to the General Assembly by the Inter Action Committee on the Universal Declaration on Human Responsibilities to regulate Article 51A - Fundamental Duties - as has been referred to earlier by Professor Sharma.

The education must emphasize on the linkage between the right to understand and to learn without which the education is incomplete. I am very conscious and I do believe that education is something, which is continuous and never-ending. Voice of dissent is quite natural in a democratic society, which needs to be appreciated. I may say, lack of understanding of any voice of dissent is disturbing and if it is not encouraged or the dissent is not listened to carefully, it would mean that there is very serious erosion of the basic Human Rights, ie Freedom of Speech and Expression. Referring to my experience as Chairman of the Verma Commission on Inquiry into the assassination of Shri Rajiv Gandhi, former Prime Minister of India, I may mention that even though the task has been completed and the report has been submitted in the name of one individual, the contribution made by several others cannot be undermined. Similarly, while conducting the deliberations of the Committee appointed under my Chairmanship for operationalizing the tenets of Article 51A of the Constitution, in which Prof Sharma and all other members of the Committee contributed, learnt a lot personally listening to dissentees voice equally.

This process of learning is the first thing, which the education must impart to everyone, i.e. to develop an attitude of learning. The moment one thinks that one has learnt everything, one ceases to grow and that is the end of one's life, which is not good. Today, we talk of democracy based on the majority. Democracy means that there is a fair representation of all sections of the society in policy making as well as decision making so that even minor voices and dissenting voices raised are taken note of. Intolerance towards any dissent is unhealthy. I may cite two references to my experience when I dissented with other judges of the Supreme Court, which has been very well recorded. Even when one ultimately disagreed with the opinions of the others, one would still be wiser if one could take into account all opinions. In the process, at the end of the exercise, one might have improved upon one's own opinion. Education sector must recognize this and emphasize this behaviour among academicians. The very presumption that one is all knowledgeable is in itself a threat to the very survival. As per Article 141 of the Constitution, ultimately whatever the Supreme Court says is the final and that is law which is to be implemented.

Human development is the most important venture for which the Human Rights is in vogue. Referring to Professor V S Mani's presentation and recalling the statement made by Sir Ashutosh Mukherjee in his Convocation Address in which he mentioned "the higher education as knowledge producers", as early as in 1922 in Calcutta University, I may say that the same holds true even today. This is proved by its reiteration made by UNESCO in 1991. He said universities are meant for producing knowledge and in turn produce knowledge makers, which is supposed to be the important function of the teachers.

Referring to India, it is necessary to remember that 55% of the world's poor live in India and Africa and half of the world's population survives on less than two dollars a day. 1.2 billion persons i.e. more than 1/6th population of the world lives on less than 1 billion dollars. If only 80 billion dollars are spent every

year throughout the world, the basic necessities and facilities for all the disadvantaged people could be attended to.

Statistics show that during 1999, there has been an increase in HIV/AIDS cases, though a huge amount of 3 trillion dollars were spent on this item alone.

Our aim has to be to tackle the poverty and the illiteracy, which are considered to be the root causes for all the ills, even the population growth. Taking the example of Kerala state, how literacy has helped in reducing the fertility rate. Literacy also helps in reducing poverty and arresting population explosion. All these get practically implemented provided Human Rights in education are emphasized. It may be in the form of a subject or as a topic in different subjects is the current need. Earlier it was a component in all other subjects in our country. Students learnt from observing their teachers, who practiced those values. Article 51A is nothing new than mere reiteration of the Indian values. It talks of gender justice, compassion for living beings, care of environment etc. All these were in practice as a part of our culture. Over the period the values that were being practiced by one and all are now reduced to preaching. There is a great gap in existence between practice and preaching. What we need to do is only to re-emphasize the practice. Today we talk and hear of Human Rights and we talk in terms of world as a family. Rights of the child to education are a more basic right and right to development is the key to all. Once the education is taken care of, automatically all other aspects are taken care of. If proper emphasis on development of full potential of every child is ensured, the challenges of 21st Century can be tackled easily. This includes second and third generation rights - economic, social and cultural rights. For example, women comprise about 50% of the population and there is no proper assessment of contribution made by them in terms of work and money earned. Contribution made by a woman during two-thirds of her working hours, she is hardly paid only for 1/3rd. Disparities of such type must go.

Unless the rights are given to every section of the population, the marginalized people will continue to be marginalized.

With these facts and figures, I would like to raise an important issue, viz: What kind of democracy we have, if these disparities are still continuing? The maximum impact on the younger generation is possible only through the teachers and the elders who are to practice those values, which they expect their younger generation to imbibe.

With these words, I appreciate NIEPA for organizing lectures for reassuring the values needed in the Society by experts who have contributed to the cause of Human Rights in India.

HUMAN RIGHTS IN HIGHER EDUCATION IN INDIA

V S Mani*

Introduction

The Universal Declaration of Human Rights (UDHR) and many other celebrated international human rights instruments emphasise human rights education at the core of the right to education. Thus Article 26(2) of the UDHR ordains that:

"2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace."¹

Academic discussion on human rights education has been a recent phenomenon in India. Many events may have facilitated it - such as the Emergency in the mid-1970's and subsequent emergence of human rights agenda in national life, emergence of

* Director, Human Rights Research and Teaching Programme, and Human Rights Documentation-cum-Information Centre & Professor of International Space Law, School of International Studies, Jawaharlal Nehru University, New Delhi 110067.

¹ See also Article 13(1) of the International Covenant on Economic, Social and Cultural Rights, 1966; Article 29(1) of the Convention on the Rights of the Child, 1989; Article 5 (1)(a) of the UNESCO Convention against Discrimination in Education, 1960. On the value of tolerance to be inculcated through education, see Article 4 of the Declaration of Principles on Tolerance, 1995. For further treaty references to human rights education, see United Nations, *Human Rights: The United Nations Decade for Human Rights Education (1995-2004)*; No. 2: *Human Rights Education and Human Rights Treaties* (1999). Under Article 19(2) of the International Covenant on Civil and Political Rights, 1966, the right to freedom of expression includes "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers either orally, in writing or in print, in the form of art, or through any other media of his choice."

human rights NGO's, and the increasing judicial activism in favour of implementation of human rights, and so on. Yet the midwifery role of international organisations in the normative evolution of human rights and their increasingly intrusive monitoring functions slowly, but surely, seems to have started moving states into some positive action. While the International Labour Organisation has been making quiet, yet significant, contribution to labour welfare since 1919, UNESCO has been specifically mandated to promote human rights through education.² UNESCO sponsored Vienna Congress on the Teaching of Human Rights, 1978, adopted a set of 10 Principles on the Teaching of Human Rights. The first of these principles stressed that "the indivisibility of all human rights should be respected."³ Since then UNESCO has been holding periodic conferences on the subject of teaching of human rights, and producing teaching guides and bibliographies. Indeed, the United Nations too has focused on human rights teaching as part of its activities. The Tehran Conference on Human Rights, 1968, underscored the need for teaching of human rights. Article 33 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 reminded states that they "are duty-bound,.... to ensure that education is aimed at strengthening the respect of human rights and fundamental freedoms. The World Conference on Human Rights emphasises the importance of incorporating the subject of human rights education programmes and calls upon states to do so." Articles 78 to 82 of the Plan of Action indicated a range of actions to be taken by states and the international organisation.

Following the Vienna Declaration and Plan of Action, 1993, the UN General Assembly adopted a resolution in 1994 calling for a United Nations Decade for Human Rights Education from 1 January 1995 to 31 December 2004. We are now in the middle of this decade and therefore a preliminary review of progress achieved is welcome.

² See Article 1 of the UNESCO Constitution, 1945.

³ Principle 1, last sentence.

Human Rights in Higher Education in Independent India : First Phase

India's independence movement has in reality been a human rights-cum-social reform movement. Its leaders were led by their personal examples of integrity, honesty, morality and respect for human person. They stressed values of human dignity, freedom and democracy. The Constitution of India, with its Parts III and IV, has been one of their crowning achievements, although it is doubtful whether India played any significant role in the drafting of the UDHR.

The human rights content of the higher education in the independent India received only a selective focus, perhaps in subjects like Law and Political Science. In the case of legal studies, it was identical with the provisions of the Constitution and the case law on them. No attempt was made either to look at a case against the totality of the law, let alone against the social context. No attempt was made to go behind the case, or follow up a ruling and examine the problems of implementation. The Political Science curricula included human rights incidentally while dealing with the history of political thought or theory, the United Nations, or as part of the Constitution.

Even in this limited focus, human rights were not taught in a comprehensive, holistic fashion, as they are now understood. The emphasis was on the civil and political rights. The increasing availability of Western literature on civil and political rights, and their slogan, in the 1950's, of "Not by bread alone" appear to have augmented this trend, despite Nehru's pre-occupation with the 'socialistic pattern of society.' In the early 1970's, high doses of socialism and secularism were injected into the political vocabulary of the day, with some impact on the educational institutions. This, coupled with the UNESCO's efforts and the increasing role of NGO's, did open up the higher education curricula a little wider to accommodate human rights concerns. Subjects like Sociology, Anthropology, Population Studies,

Community Medicine, International Organisations, Regional Development, Political Geography and Education, started dealing with issues of human rights. Special courses on human rights slowly started appearing on the horizon of university education, particularly in Law Schools.

It may also be noted that India became a party to the International Covenants on Human Rights in 1979.

Following the UNESCO's Vienna Congress 1978, the University Grants Commission slowly started taking steps to promote human rights teaching and research in the universities. It was a joint sponsorship of UGC and the Indian National Commission for the UNESCO that enabled the School of International Studies, Jawaharlal Nehru University, to set up a Human Rights Documentation-cum-Information Centre, as part of its Human Rights Teaching and Research. The Centre has either on its own or in collaboration with other bodies held seminars, symposia and conferences on human rights theme, even with its insignificant budget. Its reference room receives human rights documents from international organisations like UN and UNESCO, and also from many NGOs. It also has some books and copies of some dissertations and theses submitted at JNU. It assists any interested person with copies of any documents it has, on payment of duplication and postage. Under the leadership of Professor K P Saksena, its Founder Director, it also organised the Third World Conference on Human Rights in 1990. The Centre also undertakes research projects in human rights.

Some law schools also started human rights centres for the teaching of and research in human rights.

The Second Phase: Since 1993

Two important events took place in 1993. One, of course, was the Vienna Conference on Human Rights whose renewed emphasis on human rights teaching provided an organisational

backup for the purpose. With problems of good governance looming large in some of the countries of the world, human rights education has become part of the panacea. The second momentous event that took place was the establishment of the National Human Rights Commission whose mandate includes promotion of human rights awareness.

Also, the importance and public influence of NGOs further grew with the popularity of Public Interest Litigation as also with the spread of the media influence. Some of them even started teaching human rights courses. More 'traditional' of them include the Indian Society of International Law and the Indian Law Institute, both of New Delhi. Thanks to the NGOs, the art of human rights advocacy has got into the curricula of some of the Law Schools, such as NALSAR, Hyderabad. Rural Litigation & Entitlement Kendra, Dehra Dun runs a ten-month course on human rights, humanitarian law and refugee law for the SAARC Region. They all have evolved curricula on human rights.

The Regional Delegations of the International Committee for the Red Cross (ICRC) and of the UN High Commissioner for Refugees have made substantial contributions to the study and teaching of human rights, humanitarian law and refugee law, with both funding as well as curricula formulation. ICRC held a workshop jointly with the Association of Indian Universities with the participation of some of the teachers of Defence/Security/Military Studies of various universities as well as a few law teachers to evolve a suitable curriculum for the Defence Studies. The proceedings of the Conference, along with its final recommendations, have been published in *Human Rights: Perspective and Challenges*, edited by K P Saksena (Lancers, New Delhi, 1994).

To my mind, the role of the Bar Council of India has been rather remarkable. After the Bangalore Seminar on Legal Education sometime in mid-1990's, it clubbed human rights with international law into a 'hybrid' paper and asked the universities to

introduce the new syllabus for LLB. This has left many teachers of both the disciplines highly disappointed with the Council's way of 'meddling with' the law syllabi in universities. The Indian Society of International Law has drawn the Bar Council's attention to the urgent need for a review of this.

The Association of the Indian Universities also appointed a committee under the Chairmanship of Professor S K Agrawal, and drafted a curriculum on human rights, besides some other subjects.

The Role of UGC

The UGC has become more proactive in the field of human rights education. Indeed, at the background of the UGC's current efforts, the NHRC's initiatives should also be noted.

UGC's Sikri Committee came up in 1983 with a "Blueprint for Promotion of Human Rights Education in India at All Levels." This led to some restructuring of courses of study in some universities, but chiefly limited to Law Schools. (Domination of law teachers in course structuring exercises usually results this way).

UGC had, of course, to wait for budget allocation for human rights education, before launching any comprehensive human rights education programmes for the universities. Finally, there was some allocation in the IXth Five-Year Plan. Hence, the UGC's Red Book of 1998 entitled "UGC IXth Plan Approach to Promotion of Human Rights Education in Universities and Colleges." Under this approach paper, the UGC offers financial assistance for human rights courses, seminars and workshops to applicant colleges and universities, on proof of capability to organise them. Assistance would include support for some teaching positions and library acquisitions for a period of five years. Terms and conditions are indicated in the UGC Pamphlet.

In 1999, NHRC requested the UGC to develop a model curriculum for the Human Rights and Duties courses in the universities. Pursuant to this, UGC appointed a Committee under the chairmanship of Justice V S Malimath, formerly a member of the NHRC. The Committee includes law teachers, lawyers, an NGO representative, a political science teacher and a sociology teacher. The Committee consulted a number of eminent persons drawn from diverse fields, but experienced with human rights issues. The Committee had before it syllabi from some 20 universities and NGO's, and work of the various committees and workshops that preceded it. It first of all identified 22 topics in human rights, and then debated and adopted an elaborate description of the content of each of them. It then drafted a Foundation Course and a Certificate Course (applicable to all disciplines), an Undergraduate Course with three papers, and a Master's Level Course with 5 core papers and 14 optional courses, and a one-year Postgraduate Diploma Course with three papers. The Committee also prepared an extensive bibliography for each of the 22 topics it identified. The Committee is likely to complete its work this month. Should the Committee recommendations be adopted, the universities will have before them a wide choice of human rights topics with curricula which they could adopt or adapt with due alterations keeping in view their regional moorings.

There is still an urgent need for science teachers and eminent scientists to get together and examine the ways and means of injecting human rights and duties values in science education, beyond the Hypocrites Oath and Medical Ethics. Impact of science and technology on human dignity and for furtherance of human rights, ethical limits of science and technology, etc. must be included in the science and technology syllabi.

NCERT has come out with a source book in human rights at the instance of the NHRC. However, it is important to have a second look at it, by bringing in the Indian orientation, the

contributions of India's composite culture, and the basic tenets of India's religions.

Finally, the need for training of teachers on a continuous basis. Much of the problem of inculcation of human values and human rights orientation is the general lack of initiatives among university and college teachers - indeed with a few honourable exceptions. The training courses and workshops should be interdisciplinary, not just lawyer's paradise. They should aim at encouraging independent thinking and individual/collective initiatives to explain /teach human rights issues in the light of specific human rights problems of the society.

HUMAN RIGHTS IN SCHOOL EDUCATION

*Prof A K Sharma**

We are meeting on the occasion of the 53rd anniversary of Universal Declaration of Human Rights (UDHR). UDHR is not just a pious statement but an imperative of existence along with peace, if human kind, not just a part of it, is not doomed to live a life of misery.

What forms the basis of human development without which no Human Rights can be realized in real terms, are universal human values such as loving, sharing, caring, compassion, courage, freedom, trust, faith, truth, integrity, service, brotherhood, etc. These need to become the foundation of our educational edifice for a more realistic appreciation and internalisation of Human Rights – like right to life, right to human dignity, health, equality, liberty (or freedom), justice, development, peace, protection (right against exploitation), rights of prisoners, rights of women, rights of children, rights of marginalized and disadvantaged people, rights of animals (part of environment).

Protection of Human Rights is now recognised as a primary obligation of every society whatever its political ideology or level of development. Thanks to the activities of the liberal democratic societies and of the United Nations (UN) and its specialised agencies, there has been universal acceptance of minimum Human Rights standards usually protected by the Constitutions and the laws of various countries. Arbitrary exercise of power or denial of equality, justice and dignity have been sought by individuals and groups through legal and political processes in a scale unprecedented in human history. The world today is, in

* Former Director, National Council of Educational Research and Training (NCERT), 17-B, Sri Aurobindo Marg, New Delhi-110016.

many ways, a better place to live particularly for those who are aware of their rights and have the resources to secure them wherever required. The core conception of right to development is the principle of balance between civil and political rights on the one hand and economic, social and cultural rights on the other.

The ranging status of this concept is reflected in the UN Declaration on the right to development (December 4, 1986) which recognizes “that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom”. This right to full human development, which has made it possible to consider the right to development as an essential human right, serves as a foundation of, and implies also, the right of people as of under developed nations to development.

There have been debates internationally and in our own country on what is primary or what should have precedence – rights or duties. Is there a conflict between the two or the two have to be seen together though the frameworks of their operationalisation are very different? For example, we can provide every educational opportunity for the growth of scientific temper and spirit of reform but we cannot punish a person for being superstitious and ‘beliefs’ which disfavour reform.

We are fortunate to have Justice J S Verma amidst us this afternoon. Besides his eminence as the former Chief Justice of India, he grappled with the issue of the operationalisation of Fundamental Duties as the Chairman of a Committee set up by the Government of India some time ago, and is now grappling with the problem of Human Rights as the Chairman of the National Human Rights Commission (NHRD). Few persons have had to deal with the Fundamental Duties and Human Rights in an analytical spirit as he has done.

Education in Human Rights is laid down in the preamble (introductory part) of UDHR. This has certain implications for educational curricula. It has been stated in the document prepared by the NCERT (some years ago) and in the report of a survey of students' perceptions that insofar as the formal curriculum is concerned, we have not done too badly. What we have done was, in fact, considered more complete than in the other countries that had been surveyed. Our young peoples' understanding of Human Rights, at least in a formal school, was also quite good in a comparative sense.

But what our educational institutions did, as stated by many students in that survey, was quite dismal – the authoritarian atmosphere in the institution and in the classroom, the entire ethos and the ambience that pervades the institutions of learning negates basic principles of Human Rights education, and there is little that has been done in this regard. This is an aspect that needs to be examined with follow-up measures urgently when we discuss educational curricula, which are not to be seen as only statements of topics to be taught. There is a need for fundamental transformation in the direction and approach to curricula for teaching Rights and Duties in the school and teacher education institutions. The school system is perhaps the best change agent for translating the child's right to development into informed action.

Besides, we have the other dimension of Human Rights education – the right to education itself. We cannot have Human Rights education without ensuring universal education at least up to a certain minimum level. We have a none-too-encouraging record in this score other than making education a Fundamental Right and the stated commitment to take the nation towards the goal of universal elementary education, now by the year 2010.

There are also other associated questions. There is a declaration against discrimination in education and a Convention

on the Rights of the Child. Here, our record also leaves much to be desired. We have perhaps the most segregated system of school education in the world today, faithfully reflecting a highly and rigidly stratified society in spite of our commitment to a common schools system, a commitment which is clearly hypocritical. The question of Human Rights also needs to address itself to all forms of discrimination based on sex, caste, religion, disability and related intolerance. Some work in this regard is already in progress under the aegis of the NHRC and the NCTE.

The UN Convention on the Right of the Child (1989) draws attention to the basic rights of children, crucial among them being the Right to Development, which includes the right to education. As our children stand face-to-face with the greatest challenges to their futures, as they position themselves to live in a unipolar world, as they make up to a global war with terrorism, as they deal with crisis of leadership all around them, they must redefine their life and their roles in society. In their new world, therefore, Human Rights acquire greater urgency than ever before. Human Rights must today become the basis for every child's physical, mental, emotional, social and ethical development. The child's human right to development nurtures and encompasses the right to awareness and education. It is believed that no real development of the child is possible without inculcating a respect for Human Rights both of the child and the world around him/her.

The school performs a public duty in that a child can enjoy the right to education only through the school. Schools are custodians of children's future, holding it in trust for them. It, therefore, becomes the first obligation of every school to guarantee the child's Human Right to development in the real sense. It is important for the education system to ask itself what kind of human beings are we trying to produce? Educators can no longer afford to deal with this question nervously in terms of test scores, grades or narrow performance. But essentially, performance in education occurs along three dimensions: one, of course, is knowledge. The second dimension is being able to enter the world

as participating citizens and perform within the economy. The third has to do with the growth of the individual and participation in the social and cultural life of the society.

Let me draw attention once again to Article 51A of the Constitution of India which came about through a constitutional amendment in 1977. Almost a decade later in 1986 the National Policy on Education (NPE) took serious cognizance of it and emphasized it as the core element of the NPE and the National System of Education. The NPE states that the National System of Education, through its curricula, will promote values such as:

- India's struggle for freedom;
- Content essential to nurture national identity;
- Constitutional obligations;
- India's common cultural heritage;
- Egalitarianism, democracy and secularism;
- Equality of the sexes;
- Protection of the environment;
- Removal of social barriers;
- Observance of the small family norm; and
- Inculcation of the scientific temper.

Acknowledging thereby unambiguously that it is through the instrumentality of education, besides enforceability of legal provisions, that the values related to Human Rights and Fundamental Duties will get embedded in the society. Let us hope on this day that the educational system responds to this expectation in abundant measure.